

## **PILOT PROGRAM - INSTRUCTIONS TO ATTORNEYS PROCEDURES FOR FILING UNDER SEAL DOCUMENTS**

### **REQUESTS TO SEAL DOCUMENTS ONLY, NOT THE APPLICATION AND ORDER:**

1. Electronically file the application to seal and the declaration giving notice or proof of service.
2. Separately attach a proposed order to the electronically filed application (standard procedure for filing application with a proposed order).
3. Indicate which of the three following actions will be taken if the application is denied:
  - (1) Counsel will publically file the document(s) for consideration by the Court; or
  - (2) Clerk will destroy the chambers copy of the document(s).
4. After electronically filing the application and proof of service, send an e-mail to [SS\\_Chambers@cacd.uscourts.gov](mailto:SS_Chambers@cacd.uscourts.gov) with an attachment containing (1) an Adobe PDF version of the application to seal and declaration giving notice or a proof of service; (2) a Word or WP version of the proposed order to seal the application (including the proposed action to be taken if the application is denied (see 3., above)) and the proposed order granting/denying stipulation, continuance, etc. ; and (3) an Adobe PDF of the document(s) to be under seal with a caption page clearly marked “UNDER SEAL.” The subject line of the e-mail should have the case number, plus the words “UNDER SEAL REQUEST”.
5. The attorney will deliver one blue backed, copy of the application, declaration, proposed order and document to be filed under seal to the Intake Department as the depository for receiving mandatory chambers copies. Intake will put a red paper notice (Under Seal Filing) on top of the papers and put the documents in the appropriate Judge’s box. Intake DOES NOT stamp or review the documents. The red notice is a visual reminder that these document(s) are under seal since envelopes are not needed.

### **REQUESTS TO SEAL THE APPLICATION, ORDER AND DOCUMENT(S):**

1. Electronically file a NOTICE OF MANUAL FILING indicating that the following have been submitted to the Court: (1) an application to seal; (2) a declaration giving notice or a proof of service; (3) a proposed orders; and (4) the documents to be placed under seal.
2. Send an email to the chambers email at [SS\\_Chambers@cacd.uscourts.gov](mailto:SS_Chambers@cacd.uscourts.gov) with an attachment containing (1) an Adobe PDF version of the application to seal and declaration giving notice or a proof of service; (2) a Word or WP version of the proposed order to seal the application (including the proposed action to be taken if the application is denied (see 3., above)) and the proposed order granting/denying stipulation, continuance, etc. ; and (3) an Adobe PDF of the document(s) to be filed under seal with a caption page clearly

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**OTHER IMPORTANT INFORMATION REGARDING APPLICATIONS TO FILE  
UNDER SEAL:**

The title of the pleading will be placed on the public docket entry. For example: “Declaration of John Doe, Exhibit A.” If approved, the document itself will be sealed and not viewable by the public, but the entry (title) will be viewable.

An application to file documents under seal must meet the requirements of Local Rule 79-5. Documents that are not confidential or privileged in their entirety should not be filed under seal if the confidential portions can be redacted and filed separately with reasonable amount of effort. The parties should file both documents; complete versions of the pleadings and documents under seal, and a redacted version for public viewing, omitting only such portions as the Court has ordered may be filed under seal.

There is a strong presumption of access in civil cases. Foltz v. State of Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9<sup>th</sup> Cir. 2003). For each document or other type of information sought to be filed under seal, the party seeking protection must identify and discuss the factual or legal justification for the Court to find “good cause” or “compelling reasons”, as appropriate, that such document or type of information should be protected. Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1179-80 (9<sup>th</sup> Cir. 2006).

Sealing must be justified for each individual item to be sealed or redacted; blanket claims of confidentiality are not allowed and will result in a denial of the application to seal. Counsel is strongly encouraged to consider carefully whether sealing or redaction is required for a given piece of evidence or argument. The inclusion of clearly meritless requests to seal or redact documents may result in the complete rejection of an application to seal.